

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Public Protection
DATE	14 November 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Martyn's Law (Protect Duty)
REPORT NUMBER	COM/23/245
DIRECTOR	Gale Beattie
CHIEF OFFICER	Vikki Cuthbert
REPORT AUTHOR	Fiona Mann
TERMS OF REFERENCE	2.14

1. PURPOSE OF REPORT

- 1.1 To provide an update on preparatory work being undertaken in relation to the incoming Martyn's Law legislation (also known as the Protect Duty) which will place new duties on local authorities with regard to addressing the threat of terrorism.

2. RECOMMENDATION(S)

That the Committee -

- 2.1 note the proposed incoming legislation (including proposed statutory duties) and its potential impact on the Council and other organisations; and
- 2.2 note the measures being taken by the Council to support our staff, our Arms' Length External Organisations (ALEOs) and local businesses, to understand and comply with these new statutory duties.

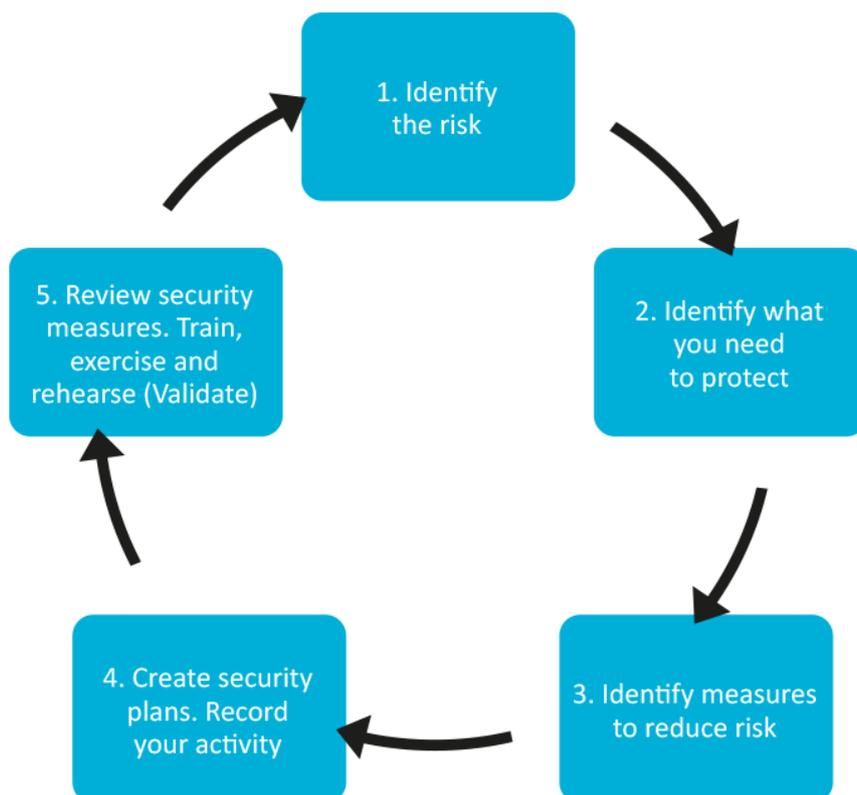
3. CURRENT SITUATION

- 3.1 "Martyn's Law" aims to ensure stronger protections against terrorism in public places.
- 3.2 The Manchester Arena Attack on 22nd May 2017, in which 22 people were killed and hundreds injured was caused by the actions of an Islamist extremist suicide bomber.
- 3.3 The incident resulted in an independent public inquiry, the Manchester Arena Inquiry, (MAI) established in 2019 by the Home Secretary. The inquiry reviewed across three areas:
Vol 1 Security for the Arena
Vol 2 Emergency Response
Vol 3 Radicalisation and Preventability

- 3.4 The consequences of the attack have given impetus to the idea of introducing primary legislation putting in place a Protect Duty. It is an ambitious project and testament to the efforts of Figen Murray whose son Martyn Hett died in the attack.
- 3.5 On 19th December 2022 the UK Government announced details of the proposed Protect Duty, now known as Martyn's Law in tribute to Martyn Hett. Since 2017 there have been 14 terror attacks in the UK, providing a clear justification for the legislation. The terrorist threat we face is multifaceted, diverse, and continually evolving and as such, it remains difficult to predict where it could be targeted. There is a need to improve security and ensure robust, proportionate, and consistent measures in public places, to make sure we can better prepare and improve public security in light of possible future attacks.
- 3.6 Engagement without legal compulsion means that counter terrorism security efforts often fall behind and are inconsistent. Martyn's Law is intended to keep people safe, enhance national security and reduce risk to the public from terrorism by the protection of public venues. It will place a requirement on those responsible for certain locations to consider threat from terrorism and implement appropriate proportionate mitigations.
- 3.7 The proposed legislation, as currently set out in the Terrorism (Protection of Premises) Draft Bill, will impose duties on owners and operators of certain locations to take proportionate measures in order to increase their preparedness for and protection from terrorist attack. There is a two tier model being used 1) a standard tier and 2) an enhanced tier.
- 3.8 It is expected that the new legislation will apply to anyone responsible for publicly accessible locations used for purposes such as entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, visitor attractions, temporary events, places of worship, health, and education also public areas of local and central government buildings (e.g. Town halls)
- 3.9 Persons responsible for qualifying public premises will also be responsible for ensuring that the premises are registered with the regulator. Persons responsible for qualifying public events will be required to give notice of the event to the regulator.
- The standard tier will require to produce a preparedness plan specific to the terrorist threat this could be added to or supplement current Business Continuity Plans and or Emergency Plans. i.e., Education (under 18s)
 - The enhanced tier will be subject to a higher level of requirements and held to a standard of reasonably practicable. The currently proposed legislative requirements for those that are responsible under the enhanced tier are: -
1. A Risk Assessment specific to potential terrorism threat based on UK threat level (can be part of an overall risk assessment or a standalone document as part of a suite of security health and safety documents). They would start by understanding and identifying the threats, vulnerabilities and resulting business impact.

This will help assess 1) what protective security and resilience improvements need to be made and 2) what type of security and contingency plans need developing. For some publicly accessible locations, simple good practice, coupled with staff vigilance and well exercised contingency arrangements may be all that is needed. If, however, an assessment discloses the presence of an attack vulnerability, appropriate protective security measures should be applied to reduce the risk to as low as reasonably practicable.

The following diagram illustrates a typical risk management cycle:



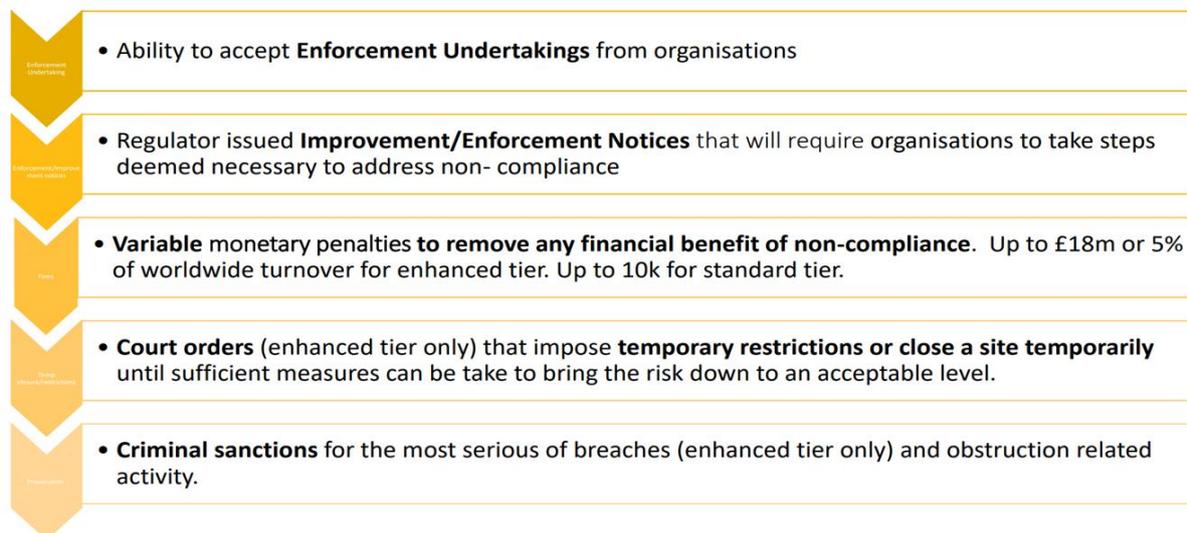
2. To implement and regularly review a Security Plan (which is recorded and auditable). Measures that the organisation can take forward (and implement interchangeably) as part of a security plan include: -
 - Physical measures e.g., Hostile Vehicle Mitigation, CCTV, exterior lighting, access control measures, search and screening
 - People e.g., developing vigilance and a security culture, hostile reconnaissance, training)
 - Systems and processes e.g., encouraging business leaders, managers and practitioners to consider security across their organisations, the assets they own and the services they deliver, as well as in their projects and programme

3.10 There will be premises within scope that are located within another premises within scope. They will be legally required to cooperate with each other to reach mutual objectives. For example - the responsible person for a shopping centre

may stipulate relevant and proportionate arrangements relating to Martyn's Law to premises within that centre (e.g., training, exercises).

- 3.11 For enhanced tier premises only, the owner of that premises will be legally required to coordinate with those in control (the responsible person) to ensure that requirements highlighted within the security plan are met. Example – P&J Live at TECA. TECA is a council owned asset and P&J Live has a separate operator, as do the hotels and Energy Centre therefore this site at TECA requires cooperation and coordination in planning regarding possible terrorist activity – to ensure that coordination and cooperation is in place, Aberdeen City Council chair the Grampian Local Resilience Partnership (GLRP) TECA Liaison Group.
- 3.12 Currently outdoor events and non-defined event spaces are not in scope but during the Home Affairs Select Committees scrutiny of the draft Bill in May 2023 there was further consideration given to including these. All publicly accessible outdoor events are a potential target for terrorists, whether or not express permission is needed to enter. The UK Government may consider expanding the scope of the Draft Bill to include those outdoor events with a capacity of over 800 and where express permission and payment is not required to enter.
- 3.13 Implementation of Martyn's Law will place responsibilities on a number of Council services:
- **Corporate Landlord:** To identify ACC buildings affected by either tier
 - **Education:** Schools and early learning childcare will be standard tier
 - **Facilities:** To review access control systems, CCTV and building infrastructure security
 - **City Growth:** To adapt planning for City Events, owned and managed ACC venues i.e., Beach Ballroom and Art Gallery
 - **Capital:** To adapt planning for new build projects such as new schools, public venues or spaces, which will require to be designed taking account of counter terror measures such as hostile vehicle mitigation, enhanced CCTV, access control, landscaping that allows for people and vehicle segregation etc.
 - **Governance:** To ensure support from Licencing and Legal, Emergency Planning and Resilience
- 3.14 The risks to the Council are primarily around non-compliance and workforce preparation.
- a. Failure to deliver on the obligations of the legislation
 - b. Failure to create appropriate governance (Protect Duty working group)
 - c. Failure to appoint appropriate management level reps from all relevant services to working group and failure to adequately resource the group.
 - d. Failure to accurately complete Protect Duty Burdens Assessment across all relevant Services in line with Protect Duty.
 - e. Failure to raise security awareness to ALL staff
 - f. Failure to identify all standard and enhanced tier locations considered against the qualifying premises and activity descriptors
- 3.15 Sanctions

The proposed regulator approach will be proportionate and risk based with support and guidance supplied to secure compliance with remedial action being requested in most cases. There are more formal sanctions – likely to only be used where non-compliance persists is particularly serious / required to change behaviour / manage immediate public safety risks (a minority of cases)



- 3.16 Key priorities for officers are to continue with the internal working group for CONTEST and subgroup for PROTECT to regularly meet and progress actions. Part of the action plan will be to identify all ACC buildings, locations and other publicly accessible locations that will require to be assessed under the legislation – New Burdens Assessment. Services will require to carry out initial assessments of their areas of responsibility to allow completion of said burdens assessment.
- 3.17 Officers from the working group will ensure attendance at all relevant GLRP meetings as well as hold a seat on the North of Scotland CONTEST working group. Wherever the opportunity arises officers will attend any consultation processes by Home Office, Scottish Government etc.
- 3.18 In regards to training and immediate actions, officers will ensure the Protect UK app is available to all staff to download onto Council devices and will make Action Counters Terrorism (ACT) awareness eLearning mandatory for all council employees current and future.
- 3.19 Keeping our ALEOs and business community updated is also a top priority for officers and engagement across those sectors has begun already.
- 3.20 Council outcomes and benefits from the aforementioned work on Martyn’s Law will be to; meet legislative requirements; mitigate the threat and effect of a terrorist attack within public locations within Aberdeen City Council’s portfolio and within our communities. To ensure that we are delivering proportionate and appropriate actions to counter the threat from terrorism in Aberdeen to protect the public and our communities. Comply with good practice; increasing awareness that an attack can happen (Anyone, Any Time, Any Place). As well

as keeping our communities safe and providing a safe environment for our communities, businesses and public to thrive.

- 3.21 Timings for the full bill to be progressed and royal assent given is estimated for late 2024. The Inspector / regulatory body has not yet agreed so it is likely the full bill potentially won't come into force until late 2026 early 2027 once a regulator has been identified, staffed and fully trained. It is expected that there will be limited elements of the legislation that will come into force when the legislation receives royal assent, mainly those that will support the establishment of a regulatory body. ACC will keep on top of the information as it becomes public and ensure that our staff, our ALEOs and our local businesses are given updates as and when appropriate. We can continue with preparatory work in identification of premises that fall into the two tiers and start to progress the likely requirements i.e., risk assessments etc. There is a new burdens assessment to be completed by all local authorities and this will continue to be progressed.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the recommendations in this report. There will potentially be a resource implication for the Council in the future as the impact of the legislation is understood better and once we are informed on who the regulatory agency will be. There will be financial implications once the law is enforceable if the Council does not meet the duties see sanctions above.

Home Office and Scottish Government representatives recently advised there was no new ring-fenced funding to support organisations with delivery of the new duties.

Insurance is an area we are keen to receive updates on as clearly it could have a financial impact on the council, our ALEOs and local businesses. The Home Office held a workshop with key insurance stakeholders in August 2023 with a view to preventing any adverse consequences regarding sectors insurance premiums as a result of the legislation.

It is not expected that local authorities will become the enforcement body therefore resource implications of this nature are not anticipated. If this position changes, the relevant Committee will be advised.

5. LEGAL IMPLICATIONS

- 5.1 As outlined above, once in force, the legislation will impose new statutory duties upon the Council.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no direct environmental implications arising from the recommendations in this report.

7. RISK

7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) <small>*taking into account controls/control actions</small>	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified.	N/A	N/A	N/A
Compliance	Non-compliance with legislative requirements	Project Implementation Plan will include all legislative requirements / activities and monitor to completion	L	Yes
Operational	<p>Inadequate workforce preparation and awareness training.</p> <p>Failure to identify and assess Council locations and assets affected by the legislation.</p> <p>Failure to implement changes required to operational systems, controls and procedures</p>	<p>Develop and implement workforce training plans as required</p> <p>Working group representatives from each service area will review the asset register / report provided by corporate landlord</p> <p>Working group representatives from each service area will review the controls and procedures implemented for each location – these will then be annually reviewed</p>	L	Yes
Financial	No significant risks identified at this stage	N/A	N/A	N/A

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Reputational	Unintended consequences resulting from ineffective implementation Council provides ineffective support to Local businesses and partner organisations	Working group representatives from each service area will review the controls and procedures implemented for each location – these will then be annually reviewed Project implementation plan will include engagement and communication activities required to support ALEOs and local businesses	L	Yes
Environment / Climate	No significant risks identified.	N/A	N/A	N/A

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2023-2024</u>	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	<u>Example:</u> The proposals within this report support the delivery of the following aspects of the policy statement: <ul style="list-style-type: none"> Helping Aberdeen to be a welcoming, peaceful and safe place to live, work and visit, protecting individuals and communities from crime and anti-social behaviour.
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous People Stretch Outcomes	Martyn's Law will enhance existing arrangements to keep all our citizens safe and protected from harm when using public venues or public accessible places.

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9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	A stage 1 integrated impact assessment has been completed. This will be updated further as the legislation comes into force and the implications are fully known.
Data Protection Impact Assessment	Not required
Other	None required.

10. BACKGROUND PAPERS

<https://www.protectuk.police.uk/>

<https://www.gov.uk/government/news/martyns-law-to-ensure-stronger-protections-against-terrorism-in-public-places>

11. APPENDICES

None

12. REPORT AUTHOR CONTACT DETAILS

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